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TO: Matthew J. Kremer
USPTO FACSIMILE NO.: (703) 872-9306
USPTO REFERENCE: Applicants: Gene Mason et al.
Serial No.: 10/679,963
Filed: October 6, 2003
Title: OPTICAL PROBE INCLUDING
PREDETERMINED EMISSION WAVELENGTH
BASED ON PATIENT TYPE
ATTORNEY: John M. Grover
PHONE NO.: (949) 721-2946
ATTORNEY DOCKET NO.: MASIMO.353A
TOTAL PAGES: 11 (INCLUDING COVER SHEET)
OPERATOR: Lisa Sierra
DATE: March 23, 2005

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MESSAGE: **Attached for filing in the above-referenced application are:**

■ TRANSMITTAL LETTER IN 2 PAGES

■ AMENDMENT AND RESPONSE TO FINAL
OFFICE ACTION DATED
DECEMBER 23, 2004 IN 8 PAGES

1437705_1
032305

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619-235-8550

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Docket No.: MASIMO.353A

March 23, 2005

Page 1 of 2

Please Direct All Correspondence to Customer Number **20995****AMENDMENT / RESPONSE TRANSMITTAL**

Appl. No. : 10/679,963
 Applicants : Gene Mason et al.
 Filed : October 6, 2003
 TC/A.U. : 3736
 Examiner : Matthew J. Kremer

Title : **OPTICAL PROBE
 INCLUDING
 PREDETERMINED
 EMISSION WAVELENGTH
 BASED ON PATIENT TYPE**

Docket No. : MASIMO.353A
 Cust. No. : 20,995

Confirmation No. : 3580

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Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application is the following enclosure:

- (X) an Amendment and Response to Final Office Action dated December 23, 2004 in 8 pages.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	15 - 20 = 0	1202 (\$50)	0 x 50 =	\$0
Independent Claims	1 - 3 = 0	1201 (\$200)	0 x 200 =	\$0
			TOTAL FEE DUE	\$0

Docket No.: MASIMO.353A

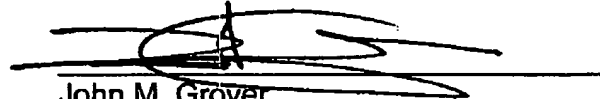
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App. No.: 10/679,963

Page 2 of 2

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John M. Grover
Registration No. 42,610
Attorney of Record
Customer No. 20,995
(949) 760-0404

1437592_1
032305

MAR 23 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/679,963
Applicants : Gene Mason et al.
Filed : October 6, 2003
TC/A.U. : 3736
Examiner : Matthew J. Kremer

Title : OPTICAL PROBE
INCLUDING
PREDETERMINED
EMISSION WAVELENGTH
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John M. Grover, Reg. No. 42,610

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION
DATED DECEMBER 23, 2004**

Sir:

In response to the Office action of December 23, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.